



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,428	08/08/2001	Kiyoshi Nagasawa	500.40462X00	9947

24956 7590 04/07/2005

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.  
1800 DIAGONAL ROAD  
SUITE 370  
ALEXANDRIA, VA 22314

EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
----------	--------------

2645

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/923,428	NAGASAWA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Md S Elahee	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 6-8 and 10-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09/19/01</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Restriction Requirement***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 1, 5, 9, drawn to Usage measurement, classified in Class 455, subclass 405.

Group II. Claims 2, 4, 6, 8, 10, drawn to Message storage or retrieval, classified in Class 455, subclass 412.1.

Group III. Claims 3, 7, 11, drawn to Call routing, classified in Class 455, subclass 445.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions Group I. Claims 1, 5, 9, Group II. Claims 2, 4, 6, 8, 10 and Group III. Claims 3, 7, 11 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In this instant case, invention Group I has separate utility such as for use in accounting calculation, whereas, invention Group II has separate utility such as for use in storage of transfer data, whereas, invention Group III has separate utility such as for use in distributing connection information. See M.P.E.P. § 806.05(d).

3. Because these inventions are distinct for the reason given above and the search required for Group I is not required for Group II as well as Group III, restriction for examination purposes as indicated proper.

4. During a telephone conversation with Mr. Carl Brundidge on 02/25/05 a provisional election was made with traverse to prosecute the invention of Group I, claims 1, 5, 9. Affirmation of this election must be made by applicant in responding to this Office action.

Art Unit: 2645

Claims 2-4, 6-8 and 10-12 are withdrawn from further consideration by the Examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

5. **Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application.** Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

***Specification***

6. The disclosure is objected to because of the following informalities: the word 'sequel' in page 3, lines 5, 24 appears to be 'sequence number' and the word 'form' in page 11, line 19 appears to be 'from'.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenji et al. (Japanese Pub. No. 09-162908) and in view of Halpern (U.S. Patent No. 6,810,247).

Regarding claim 1, Kenji teaches determining whether data communication between a terminal equipment 102 and a host device 101 [i.e., data communication apparatus] has been interrupted by disconnection of a communication line (abstract; page 4, step 11 of paragraph 0016 of Detailed Description).

Kenji further teaches in response to normal termination of data communication between a terminal equipment 102 and a host device 101, clearing accounting on data communication that was interrupted between the terminal equipment 102 and a host device 101 by disconnection of a communication line within a predetermined time before the normal termination of the data communication (abstract; fig.1-5; page 4, step 11 of paragraph 0016 of Detailed Description).

However, Kenji fails to teach “portable information communication terminal”. Halpern teaches portable information communication terminal (col.1, lines 42-45, col.2, lines 63-67). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kenji to incorporate a portable information communication terminal as taught by Halpern. The motivation for the modification is to have doing so in order to provide wireless communication session for transferring data without any inconvenience.

Regarding claims 5 and 9 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Kenji teaches a protocol processing section 104 [i.e., communication situation control section] and a communication state monitor section 105 [i.e., accounting calculation section] (abstract; fig.1; page 4, step 11 of paragraph 0016 of Detailed Description).

***Conclusion***


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*M. E.*

MD SHAFIUL ALAM ELAHEE  
March 31, 2005

  
FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600